

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ASSET BASED VALUE CORP.,

Plaintiff,

v.

RICHARD SHULMAN,

Defendant.

18 Civ. 8123 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

On February 25, 2020, the Eric M. Zim, Esq., as duly appointed referee, submitted a Referee’s Report of Surplus Monies. Dkt. 33 (“Report”). On March 30, 2020, the Court so-ordered the Report. Dkt. 34. Upon review by the Court’s finance unit, however, there appear to be two deficiencies with the Report requiring correction.

First, the amount paid into the Court was \$421,022.35, and not the \$424,007.35 stated in the Report. *Compare* Report at 2 (“I paid into court to the credit of this action \$424,007.35 as surplus monies”), *with* Dkt. 19 at 2 (referee stating that he would “deposit the balance of surplus monies (\$421,022.35) with the Clerk of Court”). The difference of \$2,985 between these numbers—which appears to be the amount of the referee fee approved by the Court—creates error in the Report’s subsequent breakdown of surplus funds.

Second, the funds are currently being held in the Court Registry Investment System (“CRIS”), and there is no language in the Report regarding the disposition of any interest that has accrued. Any order disbursing funds from CRIS should set forth the disposition of any interest.

Relatedly, the financing unit requires remittance addresses and taxpayer information for the interest recipient, which the referee must provide after filing a corrected report.

Accordingly, the Court vacates, *nunc pro tunc*, its March 30 order approving the Report.

The Court directs the referee to file a corrected report by April 9, 2020, at 5 p.m.

SO ORDERED.

  
Paul A. Engelmayer  
United States District Judge

Dated: April 2, 2020  
New York, New York